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E-Z-GO, a division of TEXTRON INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

TK POWER, INC., a Nevada Corporation,
Plaintiff,

vs.

TEXTRON INC., a Delaware Corporation,
Defendant.

CASE NO.: C 04-5098 EMC

**STIPULATION AND [PROPOSED] ORDER
AMENDING CASE MANAGEMENT AND
PRETRIAL ORDER FOR JURY TRIAL**

TEXTRON INC., a Delaware Corporation,
Counterclaimant,

vs.

TK POWER, INC., a Nevada Corporation,
Counterdefendant.

Trial Date: May 8, 2006

**IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN ALL PARTIES
IN THE ABOVE-ENTITLED ACTION** through their respective counsel of record as follows:

WHEREAS the Court entered the Case Management and Pretrial Order for Jury Trial on
April 28, 2005 (Document No. 18);

AND WHEREAS the Court set a discovery cut-off date with respect to all non-expert
discovery of January 6, 2006;

1 **AND WHEREAS** the Court set a deadline with respect to expert disclosure and Rule 26
2 reports of January 6, 2006;

3 **AND WHEREAS** the parties agree that additional time to conduct non-expert related
4 discovery would be beneficial;

5 **AND WHEREAS** the parties agree that extending the date to disclose experts and rebuttal
6 experts and Rule 26 reports would be beneficial;

7 **IT IS HEREBY AGREED AND STIPULATED** by and between the parties, through their
8 respective counsel that the April 28, 2005 Case Management and Pretrial Order For Jury Trial be
9 amended as follows:
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11 1. "All non-expert discovery shall be completed by January 31, 2006." (paragraph 2.a.);

12 2. "Experts shall be disclosed and reports provided by plaintiff and defendant by
13 February 6, 2006" (paragraph 2.c.);

14 3. "Rebuttal experts shall be disclosed and reports provided by February 20, 2006"
15 (paragraph 2.d.);

16 4. "All discovery from experts shall be completed by March 6, 2006" (paragraph 2.e).
17

18 **IT IS SO STIPULATED.**
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20 DATED: November 18, 2005

JEFFER, MANGELS, BUTLER & MARMARO LLP

23 BY: _____/S/
24 J.T. WELLS BLAXTER
25 Attorneys for Defendant and Counterclaimant E-Z-GO,
26 a division of TEXTRON INC.
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1 DATED: November 18, 2005

CORNERSTONE LAW GROUP

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4 BY: _____/S/
5 JOHN C. BROWN
6 Attorneys for Plaintiff and Counterdefendant TK
7 POWER, INC.
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ORDER

Pursuant to foregoing stipulation, **IT IS SO ORDERED**. All other dates remain the same.

DATED: November 22, 2005

THE HONORABLE JUDGE EDWARD M. CHEN
MAGISTRATE
UNITED STATES DISTRICT COURT

